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REMARKS

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Claims 1-40 are pending. Claims 1-4, 6-15, 17-26, 39-35 are rejected. By this paper claims 1, 3, 12, and 30 have been amended. Claims 5, 16, 27, 28, 36 and 37 are indicated as allowable if rewritten in independent form. Reconsideration of the pending rejection is requested in light of the comments below.

Interview Summary

Counsel for the applicant wishes to thank the Examiner for conducting a telephonic interview on January 30, 2008.

During the interviews, Applicant's attorney and the Examiner discussed the Fritz reference with reference to the feature of "determining an amount of time to communicate a message and receive a response to the message by a first process respectively to and from a second process" with respect to Fritz's delay. Applicant's attorney submitted a potential amendment to clarify claim features in light of the discussion.

Rejections under § 102

Claims 1-4, 6-15, 17-26, 29-35, and 38-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,952,739 to Fritz et al. ("Fritz"). Applicant traverses the pending rejection.

The Fritz reference discloses a buffering method using a predetermined time delay. Fritz, Abstract. Fritz discloses that a predetermined delay time occurs between an input port writing data to the buffer and an output port reading data from the buffer. Fritz, Col. 3, lines 8-10. The time difference between commencing writing to the buffer and reading from the buffer is determined. The predetermined delay maybe decreased by a first value if the length of time gap is larger than a specified tolerance value and the length of the predetermined delay

time is increased by a second value if the length of the time gap is smaller than the specified tolerance value. Fritz, Col. 3, lines 7-19.

Claim 1, in part, recites:

- determining an amount of time to communicate an interprocess message and receive a response to the interprocess message by a first process respectively to and from a second process;

- computing a buffer delay time from the amount of time;

- storing data from the first process in a buffer; and

- when the buffer delay time is reached, making the data in the buffer available to the second process by passing control of the buffer to the second process without communicating the data by the first process.

The pending anticipation rejection over the Fritz reference is improper as Fritz fails to teach each and every feature as recited in the claim. In particular, the Office's reliance on Fritz, Col. 3, lines 10-15 as disclosing "determining an amount of time to communicate an interprocess message and receive a response to the interprocess message by a first process respectively to and from a second process..." is misplaced. The cited portion of Fritz discloses a method for determining a length of a time gap between commencing writing to a buffer and commencing reading data out of a buffer. Fritz, Col. 3, lines 10-12. As a result, the Fritz process does not "determine an amount of time to communicate an interprocess message..."

Instead, the Fritz methodology determines a flow rate through a buffer which does not teach determining an amount of time to communicate a message. Fritz does not disclose the claimed subject matter because the Fritz calculation does not factor in "an amount of time to communicate an interprocess message and receive a response to the interprocess message". In Fritz, the <u>sole relevant consideration</u> is the buffer read/write time gap which is not related to computing a

buffer delay time from the amount of time (to communicate a message) as recited. Fritz does not disclose this feature as Fritz relies on the read/write buffer "length of a time gap" as a basis for adding or subtracting , respectively a second time or a first time. Fritz, Col. 3, lines 13-19. Moreover, Fritz methodology does not

5   consider communications between processes (e.g., a first process and a second process).

    With respect to the terminal portion of claim 1, Fritz at least fails to disclose, either directly or inherently, "making the data in the buffer available to the second process by passing control of the buffer to the second process without

10   communicating the data by the first process". Fritz does not disclose this feature because the passage does not affirmatively indicate "passing control of the buffer to the second process without communicating the data by the first process". In order for a reference to anticipate a claim all the subject matter must be disclosed. Fritz does not necessarily operate in the recited manner as no indication is given as

15   whether control may be passed "without communicating the data…" Removal of the pending rejection is requested and allowance is solicited.

    Claims 2-4 and 6-11 depend from claim 1 and are therefore allowable. Additionally, claims 2-11 recite additional features which are separately patentable. With respect to claims 2-11, applicant respectfully notes the following

20   Claim 3 is further allowable as the cited passage of Fritz, at least, fails to disclose "monitoring a timer in relation to the communicating and the receiving to determine the amount of time". Fritz does not disclose this because Fitz is solely concerned with determining an intra buffer length of time gap, instead of "monitoring a timer in relation to the communicating and the receiving".

25   The Office's contentions with respect to claim 4 are inappropriate because the calculation in Fritz is of an intra buffer "length of a time gap" rather than as recited in claim 4 and claim 1, which in part, recites "determining an amount of time to communicate an interprocess message and receive a response to the

interprocess message by a first process respectively to and from a second process..."

Removal of the pending rejection to claims 2-4 and 6-11 is requested and allowance is earnestly solicited.

5   In relevant part, claim 12 recites:

• sending a message from a first process addressed to a second process which is separate from the first process;

• receiving, at the first process, a response to the message sent from the second process to the first process;

10   • computing a buffer delay time as a factor of the time between the communicating and the receiving; and

• making data from the first process that is stored in the buffer available to the second process when the buffer delay time is reached by passing control of the buffer from the first process to the second process without communicating the data

15   by the first process.

Fritz fails to disclose the present method as Fritz is based on an intra buffer "length of a time gap" which does not disclose "computing a buffer delay time as a factor of the time between the communicating and the receiving". Fritz does not disclose this as the determined length of time gap is solely based on the time from

20   commencing writing to commencing reading within the buffer. As noted above with respect to claim 1, Fritz does not disclose, either expressly or inherently the feature of "passing control of the buffer from the first process to the second process without communicating the data by the first process." For at least these reasons, Claim 12 is not anticipated by the Fritz reference. Removal of the

25   pending rejection is requested and allowance is solicited.

Claims 13-15 and 17-19 are allowable based on the individual claim's dependency from claim 12. Claim 14 is further allowable as the Fritz reference fails to disclose considering "a time taken between the communicating and the

receiving". Fritz does not disclose this as Fritz focuses on the commencement of write/read within the buffer. Removal of the pending rejection to claims 13-15 and 17-19 is requested and allowance is solicited.

Claim 20 is allowable as claim 20 recites "[o]ne or more computer readable-media comprising computer executable instructions that, when executed on a computer, direct the computer to perform the method of claim 12". Claim 20 is allowable based on the same rationale as discussed with respect to claim 12.

The rejection of claims 21-26 and 29 are traversed on grounds similar to the grounds discussed with respect to claims 1, 3, 11, 2, 4 and 9 above. Applicant respectfully notes that claims 21-26 are linguistically different and utilize different language. Also, claims 21-26 are patentably distinct as the claims reside in a different statutory category. Take for example claim 21, the Fritz reference fails to anticipate the claim 21 as Fritz fails to, at least, disclose "an InterProcess Control (IPC) manager that is executable on the processor to: compute the buffer delay time from an amount of time taken to receive a response to a message by one said process from another said process…" The Fritz reference does not teach this feature as the Fritz calculation is based solely on an intra buffer "length of a time gap". Removal of the pending rejection to claims 21-26 and 29 is requested and allowance is solicited.

Similarly, the rejection of claims 30-35 and 38-40 are traversed. The rejection is improper as Fritz fails to, at least, disclose "a buffer delay time computed from an amount of time taken to perform the outputting and to receive the response by the first process" as recited in claim 30. Applicant respectfully re—forwards the arguments above as generally applicable to the instant claims. Applicant believes no additional response is due, as the Office did not specifically reject the language of claims 30-35 and 38-40. Removal of the pending rejection is requested and allowance is solicited.

Allowable subject Matter

Claims 5, 16, 27, 28, 36, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5   Applicant concurs with the Office r

Applicant Statement on Reasons for Allowance

Applicant concurs with the Office's position regarding the allowability of claims 5, 16, 27, 28, 36 and 37. While the Office's rationale is generally instructive, Applicant notes that it is the claims themselves which define the

10   bounds of the granted rights and thus, are the best source when considering the claimed subject matter.

Conclusion

All of the claims are in condition for allowance. Accordingly, Applicant requests reconsideration and issuance of a Notice of Allowability. If the Office's

15   next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully Submitted,

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